

ORDINANCE NO. 2021-07

AN ORDINANCE ESTABLISHING A PROCEDURE FOR PURCHASING, SALE, OR EXCHANGE OF PROPERTY IN COMPLIANCE WITH ACT NO. 28 OF 1959, AS AMENDED BY ACT 435 §5 ADOPTED 2021 REPEALING ORDINANCE NO 2012-05 AND FOR OTHER PURPOSES;
DECLARING AN EMERGENCY

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MALVERN AS FOLLOWS:

Section 1. That the Mayor, or his/her duly authorized representative, shall have exclusive power and responsibility to make purchases of all supplies, apparatus, equipment, materials and other things requisite to public purposes for the City of Malvern and to make all necessary contracts for work or labor to be done, or material or other necessary things to be furnished for the benefits of the City where the amount of the expenditures or any purchase or contract does not exceed the sum of Thirty-five Thousand Dollars (\$35,000.00).

Section 2. Where the amount of expenditure for any purchase or contract exceeds the sum of Thirty-five Thousand Dollars (\$35,000.00), the Mayor or his/her duly authorized representative, shall invite competitive bids thereon by legal advertisement in any local newspaper. Bids received pursuant to said advertisement shall be opened and read on the date set for receiving said bids in the presence of the Mayor, or his/her duly authorized representative. The contract shall be awarded to the lowest responsible bidder, provided, however, the Mayor or his/her duly authorized representative may reject any and all bids received.

Section 3. The Mayor, or his/her duly authorized representative, may approve payment out of any funds previously appropriated for that purpose or disapprove any bills, debts, or liabilities asserted as claims against the City when funds on hand are adequate to pay such bills, debts, or liabilities. That the payment or disapproval of any bills, debts, or liabilities not covered by a previous appropriation shall require confirmation of the governing body.

Section 4. That the Mayor, or his/her duly authorized representative may sell or exchange any municipal supplies, materials, or equipment without competitive bidding if such supplies, materials, or equipment have a value of less than Thirty-five Thousand Dollars (\$35,000.00). That no supplies, material or equipment shall be sold without receiving competitive bids therefore if the value thereof exceeds the sum of Thirty-five Thousand Dollars (\$35,000.00); provided however, if the Mayor shall certify in writing to the governing body, that in his/her opinion, the fair market value of such items or lot (to be disposed of in one unit) is less than Thirty-five Thousand Dollars (\$35,000.00) the same may be sold by the Mayor without competitive bidding.

Section 5. The governing body, by ordinance, may waive the requirements of competitive bidding in exceptional situations where the bidding procedure is deemed not feasible or practical (as provided by Arkansas State Statute 14-58-303).


Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed. It is necessary that this Ordinance shall become effective immediately in order to provide for the immediate protection of the public peace, health, and safety, and shall take effect upon its passage and approval.

Passed and approved this ___8th___ day of ___November___, 2021.

APPROVED:


Brenda J. Weldon, Mayor

ATTEST:


Phyllis Dial, City Clerk

